

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR MANUEL CASTANEDA-MONTES.

Defendant.

CASE NO. 15cr1103/16cv1521-LAB

**ORDER DENYING MOTION TO
VACATE AND SET ASIDE SENTENCE
[Dkt. 36]**

17 Victor Manuel Castaneda-Montes (Castaneda) filed a petition to vacate his sentence,
18 arguing that the Court based the sentence, in part, on an unconstitutionally vague definition
19 of “crime of violence,” previously used in §4B1.2 of the United States Federal Sentencing
20 Guidelines. The Court stayed Castaneda’s petition pending the Supreme Court’s decision
21 in *Beckles v. United States*, __ U.S. __, 137 S. Ct. 886 (2017). *Beckles* has been decided,
22 and held “[t]he Federal Sentencing Guidelines are not subject to vagueness challenges
23 under the Due Process Clause,” *id.* at 897, because the Guidelines do not implicate the twin
24 concerns underlying the vagueness doctrine—namely “providing notice and preventing
25 arbitrary enforcement” of the criminal law. *Id.* at 894. *Beckles* controls here and forecloses
26 Castaneda’s argument.

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1 The stay is now dissolved, and Castaneda's Motion to Vacate his sentence is
2 **DENIED.**

IT IS SO ORDERED.

4 DATED: September 25, 2018

Larry A. Bunner

**HONORABLE LARRY ALAN BURNS
UNITED STATES DISTRICT JUDGE**